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for effectuating filling open spaces in said return-transmit queue with additional data packets.—

REMARKS

In response to the Office Action of December 30, 1996, claims 17 and 26-29 have been amended and new claims 33-37 have been added.

A Drawing Change Authorization Request accompanies this Amendment, wherein a change to Figure 10 is requested.

Information Disclosure Statement

The Examiner indicated that the information disclosure statement filed 8-20-96 fails to comply with 37 CFR 1.98 (a) (2) since no copies of the references were attached. However, according to Rule 98(d), copies of these documents are not required since they were submitted to the Patent Office with an IDS filed in the parent application. In that regard, applicants enclose another copy of the 8-20-96 Form PTO-1449 and request consideration of the documents in this new application as by returning the copy of Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.

Rejections under 35 U.S.C. § 103

Claims 17 and 26-32 have been rejected under 35 U.S.C. § 103 as being unpatentable over Safadi in view of Newman and further in view of Gleeson et al. To traverse the rejection, we amended and/or clarified the recited invention in two distinct ways.

First, because we believe the rejection stemmed from a mischaracterization of the invention, we improved the language to emphasize a particular structure of data being transmitted between first and second nodes. Generally, the claimed structure or method is directed “sequence (or packet) numbers” associated with “successively transmitted” payload packets whereby acknowledgments are eliminated from a return-transmit queue when their indications of successfully received payload packets are “embraced” by other acknowledgments in the queue. This makes more room for other packets (payload or acknowledgment) in the return transmit queue. This aspect was not clearly recited in the original claims. Further, the examiner may have been misled by use of the generic term “comparing” of headers to eliminate “duplicate” packets as a basis of distinction over the art (this aspect, though, is the subject of sister application SN 08/697,079). The acknowledgment suppression method and apparatus claimed here involves more than simply comparing headers. It includes an “analysis” of some sort and entails examining the contents of acknowledgment packet to determine whether its information content is

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"embraced" by other acknowledgment packets. This feature clearly defines over the cited art because it is directed to a particular type of packet structure and requires a particular type of "analysis" for removing redundancy. This approach is neither suggested or taught by Gleeson or Newman which performs entirely different analyses to remove redundancy.

Second, in order to define over Safadi, we've modified other claims to recite that "both" upstream and downstream traffic is controlled by a network management unit located at a central distribution facility, e.g., a headend. The importance of this aspect was amply set forth in applicants' sister application SN/ 08/378,588 during a personal interview on May 29, 1997. We incorporate the remarks submitted in the sister application to the extent applicable here, and refer to the attached declaration of one of the inventors regarding distinctions over Safadi and over prior experimental trial systems deployed in various field trials.

All rejections having been addressed, favorable reconsideration is requested.

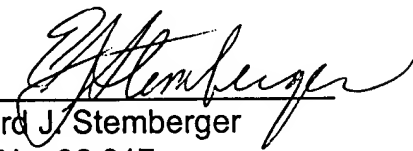
We also point out that, in light of claim 8 of applicants' issued patent (5,586,121), applicant will submit a terminal disclaimer to obviate any double-patenting rejection asserted by the examiner.

Applicants respectfully submit that this application is in condition for allowance, and an early action to that effect is solicited.

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Applicants request a three-month extension of time. We authorize charges of any fee deficiency to Farkas & Manelli deposit account no. 060115.

Respectfully submitted,
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